

**Department of Environment and Natural Resources
Proposed Rules Governing Adult Day Care Programs
To Be Effective August, 2002**

15A NCAC 18A .3301 has been adopted with changes as published in 15:13 NCR Pages 1211-1212 as follows:

.3301 DEFINITIONS

The following definitions shall apply throughout this Section:

(1) "Adequate" means determined by the Department to be of sufficient size, volume, or technical specifications, to effectively accommodate and support the planned, current, or projected workloads for a specified operational area.

(2) "Adult Day Service Facility" means an establishment which provides an organized program of services including a meal, for adults during the day in a community group setting and for which a license or certificate for payment is required from the Department of Health and Human Services. It includes adult day care services, adult day health services, psychosocial rehabilitation programs and other day programs which do not provide overnight accommodations.

(3) "Approved" means procedures and domestic or commercial equipment determined by the Department to be in compliance with this Section. Commercial Kitchen equipment shall be approved in accordance with "ANSI/NSF Standard 2 Food Equipment", "NSF Standard 3 Commercial Spray-Type Dishwashing Machines", or "ANSI/NSF Standard 7 Commercial Refrigerators and Storage Freezers" which are incorporated by reference including any subsequent amendments or additions. This material is available for inspection at the Department of Environment and Natural Resources, Division of Environmental Health, 2728 Capital Boulevard, Raleigh, NC. Copies may be obtained from NSF International, 3475 Plymouth Road, PO Box 130140, Ann Arbor, Michigan 48113-0140 or on the World Wide Web at www.nsf.org at a cost of \$60 for ANSI/NSF Standard 2 and \$95 for NSF Standard 3 or ANSI/NSF Standard 7.

(4) "Communicable Condition" means the state of being infected with a communicable agent but without symptoms.

(5) "Communicable Disease" means any disease that can be transmitted from one person to another directly, by contact with excrement, other body fluids, or discharges from the body; or indirectly, via substances or inanimate objects, such as contaminated food, drinking glasses, toys or water; or via vectors, such as flies, mosquitoes, ticks, or other insects.

(6) "Department" or "DENR" means the North Carolina Department of Environment and Natural Resources. The term also means the authorized representative of the Department.

(7) "Eating and Cooking Utensils" means and includes any kitchenware, tableware, glassware, cutlery, utensils, containers, or other equipment with which food or drink comes in contact during storage, preparation, or serving.

(8) "Environmental Health Specialist" means a person authorized to represent the Department.

(9) "Food" means any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.

(10) "Frying" means to cook over direct heat in hot oil or fat.

1 (11) "Hermetically Sealed" means a container designed and intended to be secure
2 against the entry of microorganisms and to maintain the commercial sterility of its contents after
3 processing.

4 (12) "Hygroscopic Food" means food which readily takes up and retains moisture,
5 such as bean sprouts.

6 (13) "Impervious" means that which will not allow entrance or passage, such as an
7 airtight plastic container that will not allow the entrance of moisture or vermin.

8 (14) "Multi-Service Articles" means tableware, including flatware and holloware
9 which are designed, fabricated, and intended by the manufacturer to be washed, rinsed, sanitized,
10 and re-used.

11 (15) "Multi-Use Articles" means bulk food containers and utensils designed,
12 fabricated, and intended by the manufacturer to be washed, rinsed, sanitized, and re-used. The
13 term includes items such as food storage containers, beverage pitchers, serving spoons and
14 bowls, tongs, and spatulas. The term does not include multi-service articles as defined in this
15 Section.

16 (16) "Potable Water" means water from an approved source which is suitable for
17 drinking.

18 (17) "Potentially Hazardous Food" means any food or ingredient, natural or synthetic,
19 in a form capable of supporting the growth of infectious or toxigenic microorganisms, including
20 Clostridium botulinum. This term includes raw or heat treated food of animal origin, raw seed
21 sprouts, and treated foods of plant origin. The term does not include foods which have a pH
22 level of 4.6 or below or a water activity value of 0.85 or less.

23 (18) "Putrescible Materials" means materials likely to rot or putrefy, such as fruit,
24 vegetables, meats, dairy products, or similar items.

25 (19) "Sanitary Sewage System" means a complete system of sewage collection,
26 treatment, and disposal and includes septic tank systems, connection to a public or community
27 sewage system, sewage reuse or recycle systems, mechanical or biological treatment systems, or
28 other such systems.

29 (20) "Sanitize" means the approved bactericidal treatment by a process which meets
30 the temperature and chemical concentration levels in 15A NCAC 18A .3312.

31 (21) "Sewage" means the liquid and solid human body waste and liquid waste
32 generated by water-using fixtures and appliances, including those associated with foodhandling.
33 The term does not include industrial process wastewater or sewage that is combined with
34 industrial process wastewater.

35 (22) "Single-Service Articles" means tableware, including flatware and hollowware,
36 carry-out utensils and other items such as bags, containers, stirrers, straws, toothpicks, and
37 wrappers which are designed, fabricated and intended by the manufacturer for one-time use.

38 (23) "Single-Use Articles" means bulk food containers and utensils intended by
39 manufacturer to be used once and discarded. The term includes items such as formed buckets,
40 bread wrappers, pickle barrels, and No. 10 cans. The term does not include single-service
41 articles as defined in this Section.

42 *History Note: Authority G. S. 130A-285;*

43 *Eff. August 1, 2002*

44
45 **15A NCAC 18A .3302 has been adopted as published in 15:13 NCR Page 1213 as follows:**
46

1 .3302 APPROVAL OF CONSTRUCTION AND RENOVATION PLANS

2 (a) Plans drawn to scale and specifications for new adult day service facilities shall
3 be submitted to the local health department for review and approval prior to initiating
4 construction. Plans drawn to scale and specifications for changes to building dimensions,
5 kitchen specifications, or other modifications to existing adult day service facilities shall also be
6 submitted to the local health department for review and approval prior to construction. The
7 initial inspection for new construction or the first inspection following modifications to existing
8 adult day service facilities shall not be made by the local health department unless these plans
9 have been approved. For new or proposed adult day service facilities, a site visit to evaluate and
10 assist in meeting the requirements of this Section may be requested by the adult day service
11 operator prior to submission of plans and shall be conducted by the local health department
12 within 30 days of the request.

13 (b) Review of the plans by the local health department or the Environmental Health
14 Services Section shall be based on the requirements of this Section.

15 (c) Construction and modifications shall comply with the approved plans.

16 *History Note: Authority G.S. 130A-235;*
17 *Eff. August 1, 2002*
18

19 **15A NCAC 18A .3303 has been adopted as published in 15:13 NCR Page 1213 as follows:**

20
21 .3303 INSPECTIONS AND REPORTS

22 (a) Unannounced inspections of adult day service facilities shall be made by an
23 Environmental Health Specialist at least once each year. An original and one copy of the
24 Inspection of Adult Day Service Facility form shall be completed by the Environmental Health
25 Specialist. The adult day service facility operator and the Environmental Health Specialist shall
26 each retain a copy.

27 (b) If the Environmental Health Specialist determines that conditions found at the
28 adult day service facility at the time of any inspection are dangerous to the health of the
29 participants, the Environmental Health Specialist shall notify the licensing or certifying agency
30 within 24 hours by verbal contact. A copy of the inspection report documenting the dangerous
31 conditions shall be sent to the licensing or certifying agency within two working days following
32 the inspection. Notification of dangerous conditions found at an adult day care or adult day
33 health service facility shall be made to the NC Department of Health and Human Services,
34 Division of Aging. Notifications involving dangerous conditions found at a psychosocial
35 rehabilitation center facility shall be made to the NC Department of Health and Human Services,
36 Division of Facility Services.

37 (c) An Environmental Health Specialist may conduct an inspection of any adult day
38 care facility as frequently as necessary in order to ensure compliance with applicable sanitation
39 standards.

40 *History Note: Authority G.S. 130A-235;*
41 *Eff. August 1, 2002*
42

43 **15A NCAC 18A .3304 has been adopted with changes as published in 15:13 NCR Page 1213**
44 **as follows:**

45
46 .3304 FOOD SUPPLIES

1 (a) Food shall be in good condition, free from spoilage, filth, or other contamination
2 and shall be safe for human consumption. Potentially hazardous foods shall only be obtained
3 from sources that are permitted or inspected by a health department or the North Carolina
4 Department of Agriculture. The use of food packaged in hermetically sealed containers that was
5 not prepared in a commercial food processing establishment is prohibited.

6 (b) Milk products that are used shall be Grade "A" pasteurized fluid milk and fluid
7 milk products or evaporated milk. The term "milk products" means those products as defined in
8 15A NCAC 18A .1200. Copies of 15A NCAC 18A .1200 may be obtained from the Division of
9 Environmental Health, 1630 Mail Service Center, Raleigh, NC 27699-1630. Unless prescribed
10 by a physician, dry milk and dry milk products may be used only for cooking purposes, including
11 cooked pudding desserts and flavored hot beverages.

12 (c) Fresh and frozen shucked shellfish (oysters, clams, or mussels) shall be packed in
13 nonreturnable packages identified with the name and address of the original shell stock
14 processor, shucker - packer, or repacker, and the interstate certification number issued according
15 to law. Shell stock and shucked shellfish shall be kept in the container in which they were
16 received until they are used. Each container of unshucked shell stock (oysters, clams, or
17 mussels) shall be identified by an attached tag that states the name and address of the original
18 shell stock processor, the kind and quantity of shell stock, and an interstate certification number
19 issued by the State or foreign shellfish control agency. After each container of shellstock has
20 been emptied, the management shall remove the stub of the tag and retain it for a period of at
21 least 90 days.

22 (d) Raw eggs or products containing raw eggs shall not be consumed, including raw
23 cookie dough, cake batter, brownie mix, milkshakes, ice cream and other food products. A
24 pasteurized egg product may be used as a substitute for raw eggs.

25 (e) **Beverages** and food sent from home shall be fully prepared, dated, and identified
26 for the appropriate participant at the participant's home. All formula and other bottled beverages
27 shall be returned to the participant's home or discarded at the end of each day. Drinking utensils
28 provided by the adult day service facility shall be sanitized in accordance with this Section.
29 Formula and other beverages which require refrigeration, and pureed food after opening shall be
30 refrigerated at 45°F (7°C) or below. Commercially prepared pureed foods shall be served from a
31 single-serving dish rather than the food container. Upon opening, containers of pureed food shall
32 be covered, dated with the date of opening, and refrigerated.

33 (f) Adult day service facilities receiving prepared, ready-to-eat meals from outside
34 sources shall use only catered meals obtained from a food handling establishment permitted or
35 inspected by a health department. During transportation, food shall meet the requirements of
36 these Rules relating to food protection and storage.

37 (g) All bag lunches containing potentially hazardous foods shall be refrigerated in
38 accordance with this Section.

39 *History Note: Authority G.S. 130A-235;*
40 *Eff. August 1, 2002*

41
42 **15A NCAC 18A .3305 has been adopted as published in 15:13 NCR Page 1214 as follows:**

43
44 **.3305 FOOD PROTECTION**

45 (a) Food shall be protected at all times from potential contamination, including dust,
46 insects, rodents, unclean equipment and utensils, unnecessary handling, coughs and sneezes,

1 flooding, drainage, and overhead leakage or overhead drippage from condensation. The
2 temperature of potentially hazardous food shall be 45°F (7°C) or below, or 140°F (60°C) or
3 above at all times, including field trips, and as otherwise provided in these Rules.

4 (b) In the event of a fire, flood, power outage, or similar event that might result in the
5 contamination of food, or that might prevent potentially hazardous food from being held at
6 required temperatures, the person in charge shall immediately contact the local health
7 department.

8 *History Note: Authority G.S. 130A-235;*
9 *Eff. August 1, 2002*

11 **15A NCAC 18A .3306 has been adopted as published in 15:13 NCR Page 1214 as follows:**

12
13 .3306 FOOD STORAGE

14 (a) Opened food products shall be stored in approved, clean, tightly covered, storage
15 containers. Containers shall be impervious and nonabsorbent.

16 (b) Foods not stored in the product container or package in which it was obtained,
17 shall be stored in a tightly covered, approved food storage container identifying the food by
18 common name.

19 (c) Food shall be stored above the floor in a manner that protects the food from
20 splash and other contamination and that permits easy cleaning of the storage area.

21 (d) Food and containers of food shall not be stored under exposed or unprotected
22 sewer lines or water lines, except for automatic fire protection sprinkler heads that may be
23 required by law. Food shall not be stored in toilet or laundry rooms, or other areas where there is
24 a potential for contamination.

25 (e) All food shall be stored in a manner to protect it from dust, insects, drip, splash
26 and other contamination.

27 (f) Packaged food such as milk or other fluid containers may be stored in undrained
28 ice as long as any individual units are not submerged in water. Wrapped sandwiches shall not be
29 stored in direct contact with ice.

30 (g) Refrigerated storage:

31 (1) Refrigeration equipment shall be provided in such number and of such
32 capacity to assure the maintenance of potentially hazardous food at required temperatures during
33 storage. Each refrigerator shall be provided with a numerically scaled indicating thermometer,
34 accurate to ±3° F, (± 1.5°C) located to measure the air temperature in the warmest part of the
35 refrigerator and located to be easily readable. Recording thermometers, accurate to ±3° F (±
36 1.5°C), may be used in lieu of indicating thermometers;

37 (2) Potentially hazardous food requiring refrigeration after preparation shall
38 be cooled to an internal temperature of 45°F (7°C), or below. Cooling of potentially hazardous
39 foods shall be initiated upon completion of preparation or a period of hot storage. Methods such
40 as shallow pans, agitation, quick chilling or water circulation external to the food containers shall
41 be used to cool large quantities of potentially hazardous food. Potentially hazardous food to be
42 transported cold shall be prechilled and held at a temperature of 45°F (7°C) or below;

43 (3) Ice used for cooling stored food and food containers shall not be used for
44 human consumption.

45 (h) Hot storage:

(1) Hot food storage equipment shall be provided in such number and of such capacity to assure the maintenance of food at the required temperature during storage. Each hot food unit shall be provided with a numerically scaled indicating thermometer, accurate to $\pm 3^{\circ}\text{F}$ ($\pm 1.5^{\circ}\text{C}$), located to measure the air temperature in the coolest part of the unit and located to be easily readable. Recording thermometers, accurate to $\pm 3^{\circ}\text{F}$ ($\pm 1.5^{\circ}\text{C}$), may be used in lieu of indicating thermometers. Where it is impractical to install thermometers on equipment such as steam tables, steam kettles, heat lamps, cal-rod units, or insulated food transport carriers, a metal stem-type numerically scaled indicating product thermometer shall be available and used to check internal food temperature;

(2) The internal temperature of potentially hazardous foods requiring hot storage shall be 140°F (60°C) or above except during necessary periods of preparation and service. Potentially hazardous food to be transported hot shall be held at a temperature of 140°F (60°C) or above.

History Note: Authority G.S. 130A-235;

Eff. August 1, 2002

15A NCAC 18A .3307 has been adopted with changes as published in 15:13 NCR 1214-1215 as follows:

.3307 FOOD PREPARATION

(a) Food shall be prepared with the least possible manual contact, with appropriate utensils, and on surfaces that have been cleaned, rinsed, and sanitized prior to use in order to prevent cross-contamination.

(b) Whenever there is a change in processing from raw to ready-to-eat foods, the new operation shall begin with food-contact surfaces and utensils which are clean and ~~have been~~ sanitized.

(c) Raw fruits and raw vegetables shall be thoroughly washed with potable water before being cooked or served.

(d) Potentially hazardous foods requiring cooking shall be cooked to heat all parts of the food to a temperature of at least 140°F (60°C), except that:

(1) Poultry, poultry stuffings, stuffed meats and stuffings containing meat shall be cooked to heat all parts of the food to at least 165°F (74°C) with no interruption of the cooking process;

(2) Pork and any food containing pork shall be cooked to heat all parts of the food to at least 155°F (68°C) for 15 seconds with no interruption in the cooking process;

(3) Ground beef and foods containing ground beef shall be cooked to an internal temperature of at least 155°F ~~(68°C)~~; (68°C) with no interruption in the cooking process;

(4) Rare roast beef shall be cooked to an internal temperature of at least 130°F (54°C) with no interruption in the cooking process.

(e) Raw animal products cooked in a microwave oven shall be rotated during cooking to compensate for uneven heat distribution.

(f) Potentially hazardous foods that have been cooked and then refrigerated, if served above 45°F (7°C), shall be reheated rapidly to an internal temperature of 165°F (74°C) or higher before being served or before being placed in a hot food storage unit except that, food in intact ~~manufacturer's heat-and-serve packages from regulated food manufacturing plants~~ may initially be reheated to 140°F (60°C). Steam tables, warmers, and similar hot food holding units are

1 prohibited for the rapid reheating of potentially hazardous foods unless the equipment was
2 specifically designed to rapidly reheat foods to 165°F. ~~Potentially hazardous foods reheated in a~~
3 ~~microwave oven shall be heated an additional 25°F (13.9°C).~~

4 (g) A food temperature measuring device, accurate to $\pm 2^\circ \text{F}$ ($\pm 1^\circ \text{C}$), shall be provided
5 and used to assure the attainment and maintenance of proper internal cooking, holding, or
6 refrigeration temperatures of all potentially hazardous foods.

7 (h) Potentially hazardous foods shall be thawed:

8 (1) In refrigerated units at a temperature not to exceed 45°F (7°C);

9 (2) Under potable running water of a temperature of 70°F (21°C) or below,
10 with sufficient water velocity to agitate and float off loose food particles into the overflow;

11 (3) In a microwave oven only when the food will be immediately transferred
12 to conventional cooking equipment as part of a continuous cooking process or when the entire,
13 uninterrupted cooking process takes place in the microwave oven; or

14 (4) As part of the conventional cooking process.

15
16 *History Note: Authority G.S. 130A-235;*

17 *Eff. August 1, 2002.*

18
19 **15A NCAC 18A .3308 has been adopted with changes as published in 15:13 NCR Page 1215**
20 **as follows:**

21
22 .3308 FOOD SERVICE

23 (a) Milk and milk products for drinking purposes shall be served from a
24 commercially filled container of not more than one gallon capacity or drawn from a
25 commercially filled container stored in a mechanically refrigerated bulk milk dispenser directly
26 into the drinking utensil.

27 (b) Ice shall be made, handled, transported, stored and dispensed in such a manner as
28 to be protected against contamination. Ice shall be dispensed with scoops, tongs, or other
29 ice-dispensing utensils or through automatic ice-dispensing equipment. Ice-dispensing utensils
30 shall be stored on a clean surface or in the ice with the dispensing utensil's handle extended out
31 of the ice. Between uses, ice transfer receptacles shall be stored to protect them from dust, drip,
32 splash and other contamination. Ice storage bins shall be drained through an air gap.

33 (c) Employees preparing or serving food shall wash their hands in accordance with
34 15A NCAC 18A .3328 and shall either use antibacterial soap, dips, or hand sanitizers
35 immediately prior to food preparation or service or use clean, disposable gloves during food
36 preparation or service. This requirement is in addition to all handwashing requirements in Rule
37 .3328 of this Section.

38 (d) Once served, portions of leftover food shall not be served again unless the
39 package is intact and the food is not potentially hazardous.

40 (e) Between uses during service, dispensing utensils shall be stored in the food with
41 the dispensing utensil handle extended out of the food or stored clean and dry.

42 (f) Nothing in **the Rules of this Section** shall be construed as prohibiting family style
43 food service at adult day service facilities so long as supervision of the participants is maintained
44 throughout each meal except that family style food service may be prohibited during the
45 outbreak and investigation of communicable diseases.

History Note: Authority G.S. 130A-285;
Eff. August 1, 2002

15A NCAC 18A .3309 has been adopted as published in 15:13 NCR Page 1216 as follows:

.3309 FOOD SERVICE EQUIPMENT AND UTENSILS

(a) Material and Construction:

(1) Materials used in the construction of utensils and equipment shall, under normal use conditions, be durable; corrosion-resistant; nonabsorbent; non-toxic; of sufficient weight and thickness to permit cleaning and sanitizing by normal warewashing methods; finished to have a smooth, easily cleanable surface; and resistant to pitting, chipping, cracking, scratching, scoring, distortion, and decomposition;

(2) Solder shall be comprised of approved, non-toxic; corrosion-resistant materials;

(3) Wood and wicker shall not be used as food-contact surfaces, except hard maple or an equivalent nonabsorbent wood may be used for cutting boards, cutting blocks or bakers' tables;

(4) Galvanized metal shall not be used for utensils which have general utility or for utensils or food-contact equipment which contacts beverages or moist or hygroscopic food;

(5) Linens shall not be used as food-contact surfaces, except that clean linen may be used in contact with bread and rolls;

(6) Single-use and single-service articles shall be fabricated from approved, clean materials;

(7) Single-use articles such as formed buckets, bread wrappers, aluminum pie plates and No. 10 cans shall be used only once except that containers made of plastic, glass or other food grade material having smooth sides and of a construction so as to be easily cleaned may be reused;

(8) Equipment, utensils, and single-service articles that impart odors, color or taste, or contribute to the contamination of food shall not be used.

(b) Design and Fabrication:

(1) Equipment and utensils shall be designed and fabricated to be durable and sufficiently strong to resist denting and buckling under normal-use conditions;

(2) Product thermometers and thermometer probes shall be of metal stem-type construction;

(3) Multi-use food-contact surfaces shall be smooth; free of breaks, open seams, cracks, chips, pits and similar imperfections; free of sharp internal angles, corners and crevices; finished to have smooth welds and joints; and accessible for cleaning and inspection without being disassembled, by disassembling without the use of tools or by easy disassembling with the use of only simple tools such as mallets, screw drivers or wrenches which are kept near the equipment;

(4) Water filters or any other water conditioning devices shall be designed to be disassembled to provide for periodic cleaning or replacement of the active element;

(5) Nonfood-contact surfaces shall be nonabsorbent, cleanable, and free of ledges, projections, and crevices that obstruct cleaning;

(6) Interior surfaces of nonfood-contact equipment shall be designed and fabricated to allow easy cleaning and to facilitate maintenance operations;

(7) Filters and other grease extracting equipment shall be readily accessible for filter replacement and cleaning.

History Note: Authority G.S. 130A-235;

Eff. August 1, 2002

15A NCAC 18A .3310 has been adopted with changes as published in 15:13 NCR Page 1216 as follows:

.3310 SPECIFICATIONS FOR KITCHENS

(a) For adult day service facilities licensed for or serving food to fewer than 30 participants:

(1) Domestic kitchen equipment may be used. Domestic kitchen equipment shall include at least a two-compartment sink, drainboards or countertop space of adequate size, refrigeration equipment and adequate cooking equipment. Adult day service facilities using multi-service articles shall also provide a dishwasher. In lieu of a dishwasher and two-compartment sink, a three-compartment sink with drainboards or counter top space of adequate size on each end may be used;

(2) When domestic refrigeration equipment is used the following provisions shall apply:

(A) Potentially hazardous foods shall not be prepared prior to the day that such foods are to be served;

(B) Potentially hazardous foods that have been heated shall not be reheated or placed in refrigeration to be used in whole or in part on another day; and

(C) Salads containing potentially hazardous food shall not be prepared on-site.

(3) A separate lavatory for handwashing is required in food preparation areas. If the dishwashing area is separate from the food preparation area, an additional lavatory shall be required in the dishwashing area. These handwashing lavatories shall be used only by food service personnel; and

(4) A commercial hood shall be installed when foods are fried on-site. The hood shall be installed in accordance with the North Carolina Building Code and approved by the local building code enforcement agent.

(b) For adult day service facilities licensed for or serving food to 30 or more participants:

(1) Approved food service equipment shall be used. When domestic refrigeration equipment is used the following provisions shall apply:

(A) Potentially hazardous foods shall not be prepared prior to the day that such foods are to be served;

(B) Potentially hazardous foods that have been heated shall not be reheated or placed in refrigeration to be used in whole or in part on another day;

(C) Salads containing potentially hazardous food shall not be prepared on-site; and

(D) All meats, poultry, and fish shall be purchased in pre-portioned, ready-to-cook form.

- (2) Food service equipment shall include:
- (A) Where meals are prepared and multi-service articles are used, at least a three-compartment sink with drainboards or counter top space of adequate size on each end, refrigeration equipment, and cooking equipment;
- (B) Where meals are prepared and only single-service articles are used, at least a two-compartment sink with drainboards or counter top space of adequate size on each end, refrigeration equipment, and cooking equipment; or
- (C) Where no meals are prepared and only single-service articles are used, refrigeration equipment, and at least a domestic two-compartment sink with drainboards or counter top space of adequate size on each end.
- (3) A separate food preparation sink with drainboards shall be provided for the washing and processing of foods except where plan review shows that volume and preparation frequency do not require separate facilities.
- (4) A separate lavatory for handwashing is required in food preparation and food service areas. If the dishwashing area is separate from the food preparation area, an additional lavatory shall be required in the dishwashing area. These handwashing lavatories shall be used only by food service personnel.
- (5) A commercial hood shall be installed when foods are fried on-site. The hood shall be installed in accordance with the North Carolina Building Code and approved by the local building code enforcement agent.

History Note: Authority G.S. 130A-235;

Eff. August 1, 2002

15A NCAC 18A .3311 has been adopted with changes as published in 15:13 NCR Page 1217 as follows:

.3311 CLEANING AND SANITIZING OF EQUIPMENT AND UTENSILS

- (a) Multi-use tableware shall be washed, rinsed, and sanitized after each use.
- (b) Food-contact surfaces of equipment and utensils shall be washed, rinsed, and sanitized:
- (1) Each time there is a change from raw to ready-to-eat foods;
- (2) Each time there is a change in processing between types of raw animal products such as beef, fish, lamb, pork, and poultry;
- (3) After any contamination may have occurred;
- (4) Whenever necessitated by food temperature, room temperature, type of food, and food particle accumulation;
- (5) After final use each working day.
- (c) Nonfood-contact surfaces of equipment shall be cleaned as often as is necessary to keep the equipment free of accumulation of dust, dirt, food particles, and other debris.

History Note: Authority G.S. 130A-235;

Eff. August 1, 2002

15A NCAC 18A .3312 has been adopted with changes as published in 15:13 NCR Page 1218 as follows:

.3312 MANUAL CLEANING AND SANITIZING

1 (a) Adult day service facilities licensed for or serving food to 30 or more participants
2 shall provide and use a three-compartment sink with drainboards or counter top space of
3 adequate size on each end if multi-service eating and drinking utensils are manually cleaned and
4 sanitized.

5 (b) Adult day service facilities licensed for or serving food to fewer than 30
6 participants that use a domestic dishwasher and two-compartment sink for sanitizing multi-
7 service articles shall sanitize as required in Paragraph (e)(4) of this Rule. Sink compartments
8 shall be large enough to submerge the largest items to be washed and each compartment shall be
9 supplied with hot and cold running water.

10 (c) If required under Rule .3310 of this Section, drainboards or counter top space of
11 adequate size shall be provided for handling of soiled utensils prior to washing and cleaned
12 utensils following sanitizing. Drainboards or counter top space shall be no less than 24" long.
13 For adult day service facilities licensed for or serving food to fewer than 13 participants and
14 located in a residence, a domestic dishwasher may be used to provide the equivalent of 24 inches
15 of drainboard space, and other designated areas not contiguous with the sink may be used to
16 meet drainboard or counter top space requirements.

17 (d) Equipment and utensils shall be preflushed or prescraped and, when necessary,
18 presoaked to remove gross food particles and soil.

19 (e) Except for fixed equipment and utensils too large to be cleaned in sink
20 compartments, manual washing, rinsing, and sanitizing shall be conducted in the following
21 sequence:

22 (1) Sinks shall be cleaned and sanitized prior to use.

23 (2) Equipment and utensils shall be thoroughly washed in the first
24 compartment with a hot detergent solution that is changed when visibly soiled.

25 (3) Equipment and utensils shall be rinsed free of detergent and abrasives with
26 clean water in the second compartment.

27 (4) The food-contact surfaces of equipment and utensils shall be sanitized in
28 the third compartment by:

29 (A) Immersion for at least one minute in clean, hot water at a
30 temperature of at least 170°F (77°C);

31 (B) Immersion for at least two minutes in a clean solution containing at
32 least 50 parts per million (ppm) of available chlorine at a temperature of at least 75°F (24°C);

33 (C) Immersion for at least two minutes in a clean solution containing at
34 least 12.5 ppm of available iodine and having a pH not higher than 5.0 and at a temperature of at
35 least 75°F (24°C); or

36 (D) Immersion for at least two minutes in a clean solution containing at
37 least 200 ppm of quaternary ammonium products and having a temperature of at least 75°F
38 (24°C), provided that the product is labeled to show that it is effective in water having a hardness
39 value at least equal to that of the water being used.

40 (f) For utensils and equipment which are either too large or impractical to sanitize in
41 a dishwashing machine or dishwashing sink, a spray-on or wipe-on sanitizer shall be used.
42 When spray-on or wipe-on sanitizers are used, the chemical strengths shall be those required for
43 sanitizing multi-use eating and drinking utensils. Spray-on or wipe-on sanitizers shall be
44 prepared daily and kept on hand for bactericidal treatment.

45 (g) When hot water is used for sanitizing, the following facilities shall be provided
46 and used:

- (1) An **approved** heating device or fixture installed in, on, or under the sanitizing compartment of the sink capable of maintaining the water at a temperature of at least 170°F (77°C); and
- (2) A numerically scaled indicating thermometer, accurate to $\pm 3^{\circ}$ F ($\pm 1.5^{\circ}$ C), convenient to the sink for frequent checks of water temperature; and
- (3) Dish baskets of such size and design to permit complete immersion of the tableware, kitchenware, and equipment in the hot water.
- (h) An approved testing method or equipment, used in accordance with the product manufacturer's instructions, shall be available, convenient, and regularly used to test chemical sanitizers to insure minimum prescribed strengths.
- (i) After sanitization, all equipment and utensils shall be **air-dried**.

*History Note: Authority G.S. 130A-235;
Eff. August 1, 2002*

15A NCAC 18A .3313 has been adopted with changes as published in 15:13 NCR 1218 as follows:

.3313 MECHANICAL CLEANING AND SANITIZING

- (a) Machine or water line mounted numerically scaled indicating thermometers, accurate to $\pm 3^{\circ}$ F ($\pm 1.5^{\circ}$ C), shall be provided for commercial dishwashing equipment to indicate the temperature of the water in each tank of the machine and the temperature of the final rinse water as it enters the manifold.
- (b) Drainboards or counter top space of adequate size for the proper handling of soiled utensils prior to washing and cleaned utensils following sanitization shall be provided.
- (c) Equipment and utensils shall be flushed or scraped and, when necessary, soaked to remove large food particles and soil prior to being washed in a dishwashing machine unless a prewash cycle is a part of the dishwashing machine operation. Equipment and utensils shall be placed in racks, trays, or baskets, or on conveyors, in a way that food-contact surfaces are exposed to the unobstructed application of detergent wash and clean rinse waters and that permits free draining.
- (d) Machines using chemicals for sanitization may be used provided that a ~~suitable~~ testing method or equipment is available, convenient, and ~~regularly~~ used to test chemical sanitizers to insure minimum prescribed strengths.
- (e) All dishwashing machines shall be thoroughly cleaned at least once a day or more often when necessary to maintain them in a ~~satisfactory~~ operating condition.
- (f) After sanitization, all equipment and utensils shall be air dried.

*History Note: Authority G.S. 130A-235;
Eff. August 1, 2002.*

15A NCAC 18A .3314 has been adopted with changes as published in 15:13 NCR Page 1219 as follows:

.3314 FOOD SERVICE EQUIPMENT AND UTENSIL STORAGE

1 (a) Cleaned and sanitized equipment and utensils shall be handled in a way that
2 protects the food-contact surfaces from contamination. Spoons, knives, and forks shall be
3 touched only by their handles. Cups, glasses, bowls, plates, and similar items shall be handled
4 without contact with inside surfaces or surfaces that contact the user's mouth.

5 (b) Cleaned and sanitized utensils and equipment shall be stored above the floor in a
6 clean, dry location in a way that protects them from dust, insects, drip, splash and other
7 contamination and facilitates floor cleaning. The food-contact surfaces of fixed equipment shall
8 also be protected from contamination. Equipment and utensils shall not be placed under exposed
9 sewer lines or water lines, except for automatic fire protection sprinkler heads that may be
10 required by law.

11 (c) Single-service articles shall be purchased only in clean containers, shall be stored
12 in a clean, dry container until used, and shall be handled in accordance with the rules of this
13 Section.

14 *History Note: Authority G.S. 130A-235;*
15 *Eff. August 1, 2002*

16
17 **15A NCAC 18A .3315 has been adopted with changes as published in 15:13 NCR Page 1219**
18 **as follows:**

19
20 .3315 WATER SUPPLY

21 (a) Running water under pressure shall be provided in sufficient quantities to meet
22 the needs of cooking, cleaning, drinking, toilets, and outside uses without producing water
23 pressure lower than that required by the North Carolina Plumbing Code.

24 (b) The water supply shall meet the requirements of 15A NCAC 18C or 15A NCAC
25 18A .1700 Protection of Water Supplies. Samples of water shall be collected by the
26 Environmental Health Specialist and submitted to a state certified laboratory for bacteriological
27 analysis annually. Other tests of water quality, as indicated by possible sources of
28 contamination, may be collected by the Environmental Health Specialist.

29 (c) No cross-connections with an unapproved water supply shall exist. If potential
30 back-flow conditions exist, an approved back-flow prevention device shall be provided.

31 (d) Water heating equipment that is sufficient to meet the maximum expected
32 requirements of the adult day service facility shall be provided. Capacity and recovery rates of
33 hot water heating equipment shall be based on number and size of sinks, capacity of dishwashing
34 machines, capacity of laundering machines, clothing changing facilities, and other food service
35 and cleaning needs. Hot and cold water under pressure shall be easily accessible to all rooms
36 where food is processed or handled, rooms in which utensils or equipment are washed, and other
37 areas where water is required for cleaning and sanitizing, including lavatories and diaper
38 changing areas.

39 (e) Hot water heating equipment shall provide hot water as follows:

40 (1) at a minimum temperature of 140°F at the point of use when hot water is
41 used for sanitizing;

42 (2) at a temperature of no less than 90°F and no more than 120°F at hand
43 sinks and in other areas accessible to participants, and in kitchens not used to prepare meals.

44 *History Note: Authority G.S. 130A-235;*
45 *Eff. August 1, 2002*
46

1 **15A NCAC 18A .3316 is proposed for adoption as follows:**

2
3 .3316 DRINKING WATER FACILITIES

4 (a) Drinking fountains of an approved type or individual drinking utensils shall
5 constitute approved drinking water facilities.

6 (b) Drinking fountains, if provided, shall be of sanitary angle-jet design and kept
7 clean. The pressure shall be regulated so that the individual's mouth does not come in contact
8 with the nozzle and so that water does not splash on the floor.

9 (c) All multi-use utensils used for drinking purposes shall be easily cleanable,
10 cleaned and sanitized after each use. Single-service articles used for drinking water shall be
11 stored and handled so as not to become contaminated by insects, splash, dust, and other
12 contamination.

13 *History Note: Authority G.S. 130A-285;*

14 *Eff. August 1, 2002*

15
16 **15A NCAC 18A .3317 has been adopted with changes as published in 15:13 NCR Page 1219**
17 **as follows:**

18
19 .3317 TOILETS

20 (a) All toilet fixtures and toilet rooms shall be located to comply with the
21 requirements of **this Section**. Storage in toilet rooms shall be limited to toileting and clothing
22 changing supplies except that cleaning supplies can be stored in toilet rooms in a locked cabinet.
23 All toilet fixtures shall be easily cleanable, and in good repair.

24 (b) Toilet fixtures shall be cleaned and sanitized when soiled and at least on a daily
25 basis. A solution of 100 ppm chlorine solution or other equivalent methods approved by the
26 Department shall be used for sanitizing.

27 (c) If bedside commodes, bedpans or urinals are used, they shall be located in a room
28 equipped with a spray rinse toilet or utility sink. Bedside commodes, bedpans and urinals shall
29 be emptied and rinsed or discarded when used, and cleaned and sanitized before use by any other
30 participant, with 100 ppm chlorine solution or equivalent method approved by the Department.

31 *History Note: Authority G.S. 130A-235;*

32 *Eff. August 1, 2002*

33
34 **15A NCAC 18A .3318 has been adopted with changes as published in 15:13 NCR Page 1220**
35 **as follows:**

36
37 .3318 LAVATORIES AND BATHING FACILITIES

38 (a) Lavatories shall be sized and located to comply with the appropriate handwashing
39 requirements of **this Section**, easily cleanable, in good repair, and kept free of storage.

40 (b) All lavatories and bathing facilities shall be equipped with hot and cold running
41 water through mixing faucets except that automatic mixing faucets or pre-mixing devices which
42 provide water at the temperature specified in Rule .3315(e) of this Section may be provided.

43 (c) Lavatories shall be cleaned and sanitized as needed and at least on a daily basis.
44 A solution of 100 ppm chlorine or other approved methods shall be used for sanitizing.

45 (d) Soap and disposable towels or heated air hand drying device shall be provided at
46 every handwash lavatory area.

(e) Handwash signs shall be posted at each employee handwashing lavatory.
(f) If bathing facilities or hydrotherapy equipment are provided, they shall be kept clean. Bathing equipment which has contact with participant's skin shall be cleaned with a detergent and an EPA listed Germicidal disinfectant between participant uses. Manufacturer's instructions shall be followed for cleaning equipment with pumps. A supply of cleaning and disinfectant agents shall be accessible to bathing areas. Chemical test kits shall be used to test the concentration of disinfectants mixed on site.

*History Note: Authority G.S. 130A-235;
Eff. August 1, 2002*

15A NCAC 18A .3319 has been adopted with changes as published in 15:13 NCR 1219 as follows:

.3319 CLOTHING AND CLOTHING CHANGING

- (a) Clothing changes shall be done in restrooms or other areas designated for that purpose.
- (b) Clothing Changing surfaces shall be smooth, nonabsorbent, easily cleanable and shall be approved by the Department.
- (c) Clothing Changing surfaces shall be kept free of storage and shall be cleaned with a mild solution of water and detergent and sanitized after each changing. A solution of 100 ppm chlorine or equivalent methods approved by the Department shall be used for sanitizing. A ~~suitable~~ testing method or kit shall be available and used daily to measure sanitizer contraction and insure compliance with the minimum prescribed strength. These solutions shall be used from ~~separate and properly labeled~~ hand pump spray ~~bottles.~~ bottles which are labeled to identify the contents.
- (d) Each clothing changing area shall include a handwash ~~lavatory area.~~ lavatory.
- (e) The use of disposable gloves by caregivers during the clothing changing process is required if the worker has cuts or sores on hands or chapped hands. Gloves shall be discarded after use.
- (f) Caregivers may dispose of feces in the toilet, and soiled clothing shall be placed in a tightly closed plastic bag or other equivalent container approved by the Department and sent daily to the participant's home or a laundry area to be laundered. Clothing shall not be rinsed except where a utility sink is provided for that purpose.
- (g) Only pre-moistened towelettes or paper towels shall be used for cleaning participants during the changing process. Soiled paper or towelettes shall be discarded after use in a covered plastic-lined receptacle.
- (h) Soiled disposable diapers shall be placed in a cleanable, plastic-lined, covered container and removed to an exterior garbage area at least daily.
- (i) Whether or not disposable gloves are used, caregivers shall wash their hands after each individual clothing change in accordance with Rule .3328 of this Section.
- (j) Participant's hands shall be washed in the lavatory after each individual clothing change in accordance with Rule .3328 of this Section.

*History Note: Authority G.S. 130A-235;
Eff. August 1, 2002.*

1 **15A NCAC 18A .3320 has been adopted with changes as published in 15:13 NCR Page 1220**
2 **as follows:**

3
4 .3320 STORAGE

5 (a) Rooms or spaces shall be provided for the storage of equipment, furniture,
6 clothes, beds, cots, mats, and supplies and shall be kept clean. Shelving or other storage,
7 constructed in a manner to facilitate cleaning, shall be provided for orderly storage of supplies
8 and equipment.

9 (b) All corrosive agents, insecticides, rodenticides, herbicides, bleaches, detergents,
10 polishes, items containing petroleum products, any product which is under pressure in an aerosol
11 dispensing can, and any substance which may be hazardous if ingested, inhaled, or handled shall
12 be stored in a locked storage room or cabinet, locked with a combination lock or key except at
13 psychosocial rehabilitation programs where participants need access to the chemicals. Keys
14 shall be kept out of the reach of participants and shall not be stored in the lock.

15 (c) A properly mixed sanitizing solution and a mild detergent solution approved by
16 the Department shall not be required to be stored in a locked storage room or locked cabinet.
17 These solutions shall be clearly labeled.

18 (d) Medications not under the control of a participant shall be stored in a separate
19 locked cabinet or other locked container. Medications which require refrigeration shall be stored
20 in a locked box or locked container in a refrigerator.

21 (e) Closets, lockers, or coat hooks shall be provided for storage of coats, hats, or
22 similar items. Personal items such as toothbrushes, dentures or combs shall be stored in
23 containers labeled with the participant's name.

24 *History Note: Authority G.S. 130A-235;*

25 *Eff. August 1, 2002*

26
27 **15A NCAC 18A .3321 has been adopted with changes as published in 15:13 NCR Page 1220**
28 **as follows:**

29
30 .3321 BEDS AND LINENS

31 (a) All beds, chairs, cots, and mats shall be clean, in good repair and stored to protect
32 them from splash, drip and other contamination.

33 (b) Individual beds used for sleeping shall be covered with waterproof, washable
34 material and shall be equipped with individual linen.

35 (c) All bed linen shall be kept clean and in good repair and shall be changed between
36 participant uses.

37 Blankets, throws or other covers shall be kept clean.

38 (e) Linen shall be stored with the individual mat or cot until laundered or stored
39 individually for each participant in a designated area if taken off the mats or cots. Linen shall be
40 laundered a minimum of one time per week, or more often if soiled. Linen used for more than
41 one participant shall be laundered between users. Linen used in clothing changing areas shall be
42 changed and laundered when soiled or at least on a daily basis. Linens shall be large enough to
43 cover the sleeping surface.

44 *History Note: Authority G.S. 130A-235;*

45 *Eff. August 1, 2002*

1 **15A NCAC 18A .3322 has been adopted as published in 15:13 NCR Page 1221 as follows:**

2
3 .3322 FURNITURE, EQUIPMENT AND ACTIVITY SUPPLIES

4 Furniture, equipment and activity supplies provided by the adult day service facility shall be of
5 easily cleanable construction, and shall be kept clean and in good repair.

6 *History Note: Authority G.S. 130A-235;*

7 *Eff. August 1, 2002*

8
9 **15A NCAC 18A .3323 has been adopted with changes as published in 15:13 NCR 1220 as**
10 **follows:**

11
12 .3323 PERSONNEL

13 (a) Employees shall wear clean outer clothing and shall be clean as to their person
14 and methods of foodhandling and participant care. Employees shall keep their fingernails clean
15 and trimmed.

16 (b) Hair nets, caps, or similar hair restraints shall be worn by employees engaged in
17 the preparation or service of food. Hair spray, barrettes, or visors are not considered an effective
18 hair restraint.

19 (c) Tobacco use in any form is prohibited in the food preparation area. Smoking
20 shall be prohibited in building areas occupied by non-smokers.

21 (d) Persons with a communicable disease or a communicable condition shall be
22 excluded from situations in which transmission can be reasonably expected to occur, in
23 accordance with Communicable Disease Control Measures under 15A NCAC 19A .0200. Any
24 person with boils, sores, burns, infected wounds or other potentially draining lesions on the face,
25 neck, hands, lower arms or other exposed skin shall ~~properly~~ bandage affected area to eliminate
26 exposure to drainage. If exposure to drainage cannot be eliminated or proper handwashing
27 cannot be maintained, then the employee shall be excluded from the adult day service facility
28 while the condition exists.

29 (e) Volunteer personnel shall adhere to the same requirements in these Rules as
30 employees.

31
32 *History Note: Authority G.S. 130A-235;*

33 *Eff. August 1, 2002.*

34
35 **15A NCAC 18A .3324 has been adopted with changes as published in 15:13 NCR 1220 as**
36 **follows:**

37
38 .3324 FLOORS

39 (a) Floors and floor coverings of all food preparation, food storage, utensil-washing areas,
40 toilet rooms, maintenance rooms, utility rooms, and laundry areas shall be constructed of
41 nonabsorbent, easily cleanable, durable material such as sealed concrete, terrazzo, ceramic tile,
42 durable grades of linoleum or plastic, or tight wood impregnated with plastic.

43 (b) Carpeting used as a floor covering shall be of closely woven construction, ~~properly~~
44 ~~installed,~~ installed to prevent hazards or obstacles to cleaning, and easily cleanable. Carpeting is
45 prohibited in food preparation areas, equipment and utensil-washing areas, food storage areas,
46 laundry areas, and toilet rooms.

(e) All floors shall be kept clean and maintained in good repair. Carpeting shall be kept clean and dry.

History Note: Authority G.S. 130A-235;
Eff. August 1, 2002.

15A NCAC 18A .3325 has been adopted with changes as published in 15:13 NCR Page 1221 as follows:

.3325 WALLS AND CEILINGS

(a) The walls and ceilings, including doors and windows, of all rooms and areas shall be kept clean, in good repair, and free of microbial growth. All walls shall be **non-absorbent** and easily cleanable.

(b) Ceilings in rooms in which food is stored, handled or prepared, utensil-washing rooms, and toilet rooms shall be non-absorbent and easily cleanable. Acoustic ceiling material may be used where ventilation precludes the possibility of grease and moisture absorption.

History Note: Authority G.S. 130A-235;
Eff. August 1, 2002

15A NCAC 18A .3326 has been adopted as published in 15:13 NCR Page 1221 as follows:

.3326 LIGHTING AND THERMAL ENVIRONMENT

(a) All rooms and enclosed areas shall be well lighted by natural or artificial means. Lighting shall be capable of illumination to at least 50 foot-candles at food preparation work surfaces. At least 10 foot-candles of light, at 30 inches above the floor, shall be provided in all other areas, including storage rooms. Light fixtures in all areas shall be kept clean and in good repair. Completely shielded bulbs or shatterproof bulbs shall be used in food preparation, storage, and serving areas.

(b) All rooms used by participants shall be heated, cooled, and ventilated to maintain a temperature between 65°F (19°C) and 85°F (30°C). Ventilation may be in the form of operable windows which are screened or by means of mechanical ventilation to the outside. Windows and window treatments shall be kept clean and in good repair. All ventilation equipment, including heating and cooling vents, fans, and all special ventilation equipment which is required for kitchens and toilet rooms, shall be kept clean and in good repair.

History Note: Authority G.S. 130A-235;
Eff. August 1, 2002

15A NCAC 18A .3327 has been adopted with changes as published in 15:13 NCR 1221 as follows:

.3327 COMMUNICABLE DISEASES AND CONDITIONS

(a) Any person who becomes ill at the adult day service facility and is suspected of having a communicable disease or communicable condition shall be separated from the other participants until leaving the facility.

(b) Each adult day service facility shall include a designated area for a person who becomes ill. When in use, such area shall be equipped with a bed, cot or mat and a vomitus

receptacle. All materials shall be sanitized after each use. Linens and disposables shall be changed after each use.

(c) If the area is not a separate room, it shall be separated from space used by other participants by a partition, screen or other means approved by the Environmental Health ~~Specialist~~. Specialist to minimize exposure of other participants to a person who is ill. This designated area shall be proximate to a toilet and lavatory, and where health and sanitation measures can be carried out without interrupting activities of other participants and staff. Ill people shall not be allowed in areas where food is prepared or handled.

(d) Facilities providing adult day health services shall have a treatment room which is separate from areas used for storage and handling of food. The treatment room shall have a hand sink or have a doorway which connects it to a room containing a sink.

*History Note: Authority G.S. 130A-235;
Eff. August 1, 2002.*

15A NCAC 18A .3328 has been adopted as published in 15:13 NCR Page 1222 as follows:

.3328 HANDWASHING

(a) Employees shall be instructed that handwashing is the single most important line of defense in preventing the transmission of disease-causing organisms. Employees shall wash hands upon reporting for work; before and after handling food; before feeding participants; before handling clean utensils or equipment; after toileting or handling of body fluids (e.g., saliva, nasal secretions, vomitus, feces, urine, blood, secretions from sores, pustulant discharge); after clothing changing; after handling soiled items such as garbage, mops, cloths, and clothing; and after removing disposable gloves.

(b) Participants shall wash hands upon arrival at the facility; after each clothing change or visit to the toilet; before eating meals or snacks; and after handling animals or animal cages.

(c) Proper handwashing procedures shall include:
(1) Using soap and tempered running water;
(2) Rubbing hands vigorously with soap and tempered water for 15 seconds;
(3) Washing all surfaces of the hands, to include the backs of hands, palms, wrists, under fingernails, and between fingers;
(4) Rinsing well for 10 seconds;
(5) Drying hands with a paper towel or mechanical dryer;
(6) Turning off faucet with paper towel.

*History Note: Authority G.S. 130A-235;
Eff. August 1, 2002*

15A NCAC 18A .3329 has been adopted as published in 15:13 NCR Page 1222 as follows:

.3329 WASTEWATER

All wastewater shall be disposed of in a publically-owned wastewater treatment system or by an approved properly operating on-site wastewater system.

*History Note: Authority G.S. 130A-235;
Eff. August 1, 2002*

1
2 **15A NCAC 18A .3330 has been adopted with changes as published in 15:13 NCR 1221 as**
3 **follows:**

4
5 **.3330 SOLID WASTES**

6 (a) Solid wastes containing food scraps or other putrescible materials shall, prior to
7 disposal, be kept in durable, rust-resistant, nonabsorbent, water-tight, rodent-proof, and easily
8 cleanable containers such as standard garbage cans which shall be covered with tight lids when
9 filled or stored or not in continuous use. Refuse including scrap paper, cardboard boxes and
10 similar items shall be stored in containers, rooms or designated areas approved by the
11 Department.

12 (b) Facilities shall be provided for the washing and storage of all garbage cans and
13 mops for adult day service facilities, except for facilities certified or licensed for fewer than 13
14 participants. Cleaning facilities shall include combination faucet, hot and cold running water,
15 threaded nozzle, and curbed impervious pad sloped to drain into an approved sanitary sewage
16 system. ~~Other can cleaning facilities approved prior to August 1, 2002 shall be deemed~~
17 ~~approved in in good repair and functioning properly. Can cleaning facilities replaced after~~
18 ~~August 1, 2002 shall meet the requirements of this Section.~~

19 (c) Where containerized systems are used for garbage storage, facilities shall be
20 provided for the cleaning of such systems. A contract for off-site cleaning shall constitute
21 compliance with this Section.

22 (d) Solid wastes shall be disposed of so as to prevent insect breeding and public
23 health nuisances.

24
25 *History Note: Authority G.S. 130A-235;*
26 *Eff. August 1, 2002.*
27

28 **15A NCAC 18A .3331 has been adopted with changes as published in 15:13 NCR 1221-1222**
29 **as follows:**

30
31 **.3331 ANIMAL AND VERMIN CONTROL: PREMISES**

32 (a) Unrestrained animals, except those used in approved pet therapy programs and
33 service animals accompanying persons with disabilities, shall not be allowed in the adult day
34 service facility, including the outdoor area. Animals shall not be allowed in the food preparation
35 areas. Animal cages, bedding, litter boxes and other pet-related items shall be kept clean.

36 (b) Effective measures shall be taken to keep insects, rodents, and other vermin out of
37 the facility and to prevent their breeding or presence on the premises.

38 (c) All openings to the outer air shall be protected against the entrance of flying
39 insects. For extermination of flying insects, only approved pyrethrin-based insecticides or a fly
40 swatter shall be used in the food preparation areas. Products shall be used only in accordance
41 with directions and cautions appearing on ~~their~~ the manufacturers' labels. Insecticides shall not
42 come in contact with raw or cooked food, utensils, or equipment used in food preparation and
43 serving, or with any other food-contact surface.

44 (d) Only those pesticides which have been ~~properly~~ registered with the U.S.
45 Environmental Protection Agency and the North Carolina Department of Agriculture and
46 Consumer Services shall be used. Pesticides shall be used in accordance with the directions on

the manufacturers' label and shall be stored in a locked storage room or cabinet separate from foods and medications.

*History Note: Authority G.S. 130A-235;
Eff. August 1, 2002.*

15A NCAC 18A .3332 has been adopted with changes as published in 15:13 NCR Page 1222 as follows:

.3332 OUTDOOR AREAS

(a) The premises, including the outdoor area, shall be kept clean, drained and free of litter and hazardous materials. Grass and other vegetation shall be maintained in a manner which does not encourage the harborage of vermin.

(b) All debris, glass, dilapidated structures, and broken equipment shall be removed. The outdoor areas shall be free from unprotected wells, grease traps, cisterns, and utility equipment.

*History Note: Authority G.S. 130A-235;
Eff. August 1, 2002*

15A NCAC 18A .3333 has been adopted with changes as published in 15:13 NCR Page 1223 as follows:

.3333 SWIMMING AND WADING POOLS

(a) Swimming pools, wading pools and spas shall be designed, constructed, operated and maintained in accordance with the Rules Governing Swimming Pools, 15A NCAC 18A .2500. Copies of these Rules may be obtained from DENR, Division of Environmental Health, Environmental Health Services Section, 1630 Mail Service Center, Raleigh, NC 27699-1630.

(b) Unfiltered and nondisinfected containments of water shall not be utilized for water recreation activities.

*History Note: Authority G.S. 130A-235;
Eff. August 1, 2002*

15A NCAC 18A .3334 has been adopted with changes as published in 15:13 NCR Page 1223 as follows:

.3334 COMPLIANCE

(a) The Environmental Health Specialist shall indicate on the Sanitation Inspection of Adult Day Service Facility Form whether the adult day service facility is superior, approved, provisional, or disapproved based on compliance with the rules of this Section. The classification shall be posted in the facility in a conspicuous place designated by the Environmental Health Specialist.

(b) The degree of compliance is indicated by the total demerit-point score which is shown on the Sanitation Inspection of Adult Day Service Facility Form that the Environmental Health Specialist completes.

1 (1) For the purpose of issuing a license or certificate to a new operator, a
2 Sanitation Inspection of Adult Day Service Facility Form, shall be forwarded to the licensing or
3 certifying agency only when the facility can be granted a superior classification;

4 (2) An adult day service facility shall be classified as superior if the total
5 demerit score is not more than 15 and no 6-demerit-point item is violated;

6 (3) An adult day service facility shall be classified as approved if the total
7 demerit score is more than 15 and not more than 30, and no 6-demerit-point item is violated;

8 (4) An adult day service facility shall be classified as provisional if any
9 6-demerit-point item is violated, or if the total demerit-point score is more than 30 but not more
10 than 45. This provisional period shall not exceed seven days unless construction or renovation is
11 necessary to correct any violation, in which case the Environmental Health Specialist may allow
12 a longer provisional period;

13 (5) An adult day service facility shall be classified as disapproved if the
14 demerit score is 46 or more, or if conditions which resulted in a provisional classification have
15 not been corrected in the time period specified by the Environmental Health Specialist;

16 (6) If the provisional status period exceeds seven days, or the adult day
17 service facility is disapproved, the licensing or certifying agency shall be notified immediately
18 by forwarding a copy of the inspection report to the Licensing or certifying agency. The
19 Environmental Health Specialist shall notify the licensing or certifying agency in accordance
20 with Rule .3303 of this Section;

21 The classification card shall not be removed except by or upon the instruction of the
22 Environmental Health ~~Specialist~~. Specialist for the purpose of changing classification cards or
23 establishing another conspicuous location.

24 The Sanitation Inspection of Adult Day Service Facility Form shall be used to document
25 demerits assessed for violation of the rules of this Section as follows:

26 Violation of rules .3304(a), (b), (c), or (f), or rule.3303(g)(3) related to food from approved
27 sources, free of spoilage and adulteration shall be assessed 6 demerits.

28 Violation of rules .3304(e), or (f), .3305(a), .3306(g)(2), or (h)(2), or .3307(d), or (f) related to
29 potentially hazardous food temperatures shall be assessed 5 demerits.

30 Violation of rules .3304(d), (g), or (e), .3306(b), .3307(a), (b), (c), (d), (e), (f), or (h), or .3308(a)
31 regarding food properly handled, packaged and identified shall be assessed 4 demerits.

32 Violation of rules .3304(e), or .3308(d) related to not re-serving food shall be assessed 4
33 demerits.

34 Violation of rules .3305(a), .3306(c), (d), (e), or (f), or .3308(b), (e), or (f) regarding protection
35 of and access to food shall be assessed 5 demerits.

36 Violation of rules .3306(g)(1), or (h)(1), .3307(g), or .3310(a)(2) regarding refrigerators and hot
37 holding units with thermometers and product thermometers shall be assessed 3 demerits.

38 Violation of rules .3306, .3307(f), .3310(a), or (b), .3312 (a), (b), (c), or (g), or .3313 related to
39 food service equipment and utensils meeting specifications for refrigeration, sinks, and
40 dishwashing equipment according to type of service shall be assessed 6 demerits.

41 Violation of rules .3310(a), or (b)(4) Regarding requirements for food service handwash
42 lavatories shall be assessed 5 demerits.

43 Violation of rules .3309(a) or (b) regarding other food service equipment and utensils materials
44 of construction and repair shall be assessed 4 demerits.

1 Violation of rules .3304(e), .3306(a), or (b), .3311(a), or (b), .3312(d), (e), (f), or (i), .3313(c), or
2 (f), or .3316(c) regarding washing, rinsing and sanitizing food-contact surfaces, equipment and
3 utensils shall be assessed 6 demerits.
4 Violation of rule .3309(a)(8) regarding reuse of single-service articles shall be assessed 6
5 demerits.
6 Violation of rule .3309(a)(7) regarding reuse of single-use articles shall be assessed 2 demerits.
7 Violation of rules .3309(b)(5), or (b)(6), or .3311(c) regarding cleaning of non-food contact
8 surfaces shall be assessed 4 demerits.
9 Violation of rules .3314, or .3316(c) regarding protection of equipment and utensils from
10 contamination shall be assessed 4 demerits.
11 Violation of rules .3312(f), or (h), or .3313(d) regarding provision of sanitizing solution and
12 testing equipment used to test sanitizer strength shall be assessed 3 demerits.
13 Violation of rules .3315(a), or (b) regarding approval of water supplies shall be assessed 6
14 demerits.
15 Violation of rules .3315(d), or (e) regarding supply and maintenance of hot water shall be
16 assessed 6 demerits.
17 Violation of rule .3315(c) regarding cross connections and backflow prevention devices shall be
18 assessed 4 demerits.
19 Violation of rule .3316 regarding drinking fountains and drinking utensils shall be assessed 4
20 demerits.
21 Violation of rules .3310(a)(3), or (b)(2)(C)(4), .3317(a), .3318(a), or .3319(d) regarding
22 provision and location of toilets and lavatories shall be assessed 5 demerits.
23 Violation of rules .3317(b) or .3318(c) regarding location, sizing, cleaning and sanitizing toilet,
24 lavatory, clothing changing and bathing facilities and availability of cleaning and sanitizing
25 supplies shall be assessed 4 demerits.
26 Violation of rule .3317(c) regarding location, cleaning and disinfection of potty chairs, bedpans
27 and urinals shall be assessed 4 demerits.
28 Violation of rule .3318(d) regarding lavatories being free of storage and provided with soap and
29 disposable towels or heated-air hand drying devices shall be assessed 4 demerits.
30 Violations of rules .3319(a), (b), or (d) regarding clothing changing facilities shall be assessed 4
31 demerits.
32 Violation of rules .3318(f) or .3319(c) regarding cleaning and sanitizing clothing changing
33 facilities and provision of cleaning and sanitizing solutions shall be assessed 4 demerits.
34 Violation of rules .3319(e), (f), (g), (h), (i), or (j) regarding clothing changing methods shall be
35 assessed 5 demerits.
36 Violation of rules .3319(c) or .3320(c) regarding labeling sanitizers and providing test kits for
37 sanitizers shall be assessed 3 demerits.
38 Violation of rule .3319(c) regarding clothing changing surfaces being clean and free of storage
39 shall be assessed 2 demerits.
40 Violation of rule .3318(e) regarding posting of handwashing signs shall be assessed 2 demerits.
41 Violation of rule .3317(a) regarding storage of medications and other hazardous products shall be
42 assessed 6 demerits.
43 Violation of rule .3320 regarding provision and cleaning of storage facilities shall be assessed 3
44 demerits.
45 Violation of rule .3321(a) regarding cleaning, repair and storage of beds, chairs, cots and mats
46 shall be assessed 5 demerits.

1 Violation of rule .3321(b) regarding provision of mattress covers and linen shall be assessed 5
2 demerits.
3 Violation of rules .3321(c), (d), or (e) regarding cleaning, repair, handling and storage of linen,
4 blankets, throws and covers shall be assessed 4 demerits.
5 Violation of rule .3322 regarding furniture, equipment and activity supplies shall be assessed 4
6 demerits.
7 Violation of rules .3323(a) or (b) regarding hygienic practices, clean clothing and hair restraints
8 for personnel shall be assessed 3 demerits.
9 Violation of rule .3323(c) regarding tobacco use shall be assessed 5 demerits.
10 Violation of rule .3323(d) regarding exclusion of persons with communicable diseases or
11 conditions shall be assessed 6 demerits.
12 Violations of rule .3323(d) regarding bandaging wounds or lesions shall be assessed 6 demerits.
13 Violation of rules .3324 or .3325 regarding floors, walls and ceilings shall be assessed 4
14 demerits.
15 Violation of rule .3326 regarding maintenance of lighting and thermal environment shall be
16 assessed 4 demerits.
17 Violation of rule .3326 regarding cleaning and repair of lighting, heating, ventilation and
18 cooling equipment shall be assessed 2 demerits.
19 Violation of rule .3327 related to providing a designated area for sick participants shall be
20 assessed 5 demerits.
21 Violation of rule .3327 related to treatment rooms for adult day health facilities shall be assessed
22 5 demerits.
23 Violation of rules .3308(c), .3319(i), or (j), or .3328 related to handwashing shall be assessed 5
24 demerits.
25 Violation of rule .3329 regarding wastewater disposal shall be assessed 6 demerits.
26 Violation of rule .3330 regarding solid waste handling, storage and disposal shall be assessed 2
27 demerits.
28 Violation of rule .3330(c) regarding facilities for cleaning solid waste containers shall be
29 assessed 2 demerits.
30 Violation of rules .3331(c), or (d) regarding use of pesticides shall be assessed 6 demerits.
31 Violation of rule .3331(b), or (c) regarding control of rodents, insects and other vermin shall be
32 assessed 4 demerits.
33 Violation of rule .3331(a) regarding presence of animals shall be assessed 4 demerits.
34 Violation of rules .3331(b), or .3332 regarding keeping premises clean, drained, and free of
35 hazards, vermin harborages or breeding areas shall be assessed 4 demerits.
36 Violation of rule .3333 regarding swimming pools, wading pools and spas shall be assessed 6
37 demerits.
38 The sum of all demerits assessed on the Sanitation Inspection of Adult Day Service Facility
39 Form shall be the total demerit score for the facility.
40 (d) In filling out the inspection form, demerits may be assessed only once for a single
41 occurrence or condition existing within or outside the adult day service facility. Demerits shall
42 be assessed based on actual violations of the Rules of this section observed during the inspection.
43 *History Note: Authority G.S. 130A-235;*
44 *Eff. August 1, 2002*
45

1 **15A NCAC 18A .3335 has been adopted with changes as published in 15:13 NCR Page 1223**
2 **as follows:**

3
4 .3335 APPEALS PROCEDURE

5 Appeals concerning the interpretation and enforcement of the rules in this Section shall be made
6 in accordance with G.S. 150B.

7 *History Note: Authority G.S. 130A-235;*
8 *Eff. August 1, 2002*